

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF TENNESSEE AT KNOXVILLE**

NAPOLEON SUMLER,)
Plaintiff,) No.
v.)
BRIAN D. BOZARTH and) JUDGE _____
LANDSTAR RANGER, INC. a/k/a) MAGISTRATE JUDGE _____
RANGER TRANSPORTATION, INC.,) JURY DEMAND
)
Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendant Landstar Ranger, Inc., by counsel, files this Notice of Removal of this action from the Circuit County Court in Loudon County, Tennessee, where it is now pending, to the United States District Court for the Eastern District of Tennessee based upon diversity of citizenship and an amount in controversy exceeding \$75,000.00. The grounds for removal are as follows.

Procedural Background

1. This action was commenced on or about December 22, 2021 by Plaintiff's filing of the Complaint in the Loudon County Circuit Court in Loudon County, Tennessee, Case No. 2021-CV-135 (the "Complaint"). True and accurate copies of the pleadings filed in this action and summons are attached as *Exhibit A*.

2. The Complaint was served on Landstar Ranger, Inc. on or about December 30, 2021. This Notice of Removal is being filed within thirty (30) days after service of the Complaint in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446.

3. Defendant Brian D. Bozarth consents to the removal of this matter pursuant to 28 U.S.C. § 1446(b)(2)(A).

4. The Complaint contains allegations of negligence and seeks damages in the amount

of one hundred thousand dollars (\$100,000.00) on behalf of Plaintiff Napoleon Sumler. Thus, the amount in controversy exceeds the threshold requirement for removal pursuant to 28 USC § 1332.

5. The Plaintiff is a citizen and a resident of Davidson County, Tennessee.

6. The Defendant, Landstar Ranger, Inc. is a corporation organized under the laws of Florida, with its principal place of business located at 13410 Sutton Park Drive South, Jacksonville, Florida 32224. The Defendant, Brian D. Bozarth, is a citizen and a resident of the state of Missouri and resides at 4003 CR 1530, Willow Springs, MO 65793.

7. The United States District Court for the Eastern District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

8. A copy of this Notice of Removal is being served by U.S. mail on the Plaintiff's Attorney, and a Notice of Filing of Notice of Removal is being filed with the Loudon County Circuit Court in Loudon, Tennessee, in accordance with 28 U.S.C. § 1446(d). Copies of those notices are attached as *Exhibit B*. The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

9. Defendant demands a jury to try this case.

WHEREFORE, Defendant prays this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to perfect the removal of this case from the Loudon County Circuit Court in Loudon, Tennessee to this Court.

Respecfully submitted,

/s/ David A. Chapman

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of January, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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/s/ David A. Chapman

David A. Chapman